

Exhibit 1

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SONOS, INC.,
Plaintiff,

vs.

Case No. 3:21-CV-07559-WHA

GOOGLE LLC
Defendant.

-AND-

GOOGLE LLC,
Plaintiff,

vs.

Case No. 3:20-CV-06754-WHA

SONOS, INC.,
Defendant.

ATTORNEYS' EYES ONLY - HIGHLY CONFIDENTIAL

ATTORNEYS EYES ONLY - SOURCE CODE

ZOOM DEPOSITION OF GOOGLE'S 30(b)(6) & 30(b)(1)
KENNETH J. MACKAY
(Reported Remotely via Video & Web Videoconference)
Sunnyvale, California (Deponent's location)
Tuesday, May 10, 2022

STENOGRAPHICALLY REPORTED BY:

REBECCA L. ROMANO, RPR, CSR, CCR
California CSR No. 12546

Nevada CCR No. 827

Oregon CSR No. 20-0466

Washington CCR No. 3491

JOB NO. 5229656

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SONOS, INC.,

Defendant.

DEPOSITION OF KENNETH J. MACKAY, taken on
behalf of the Sonos, Inc., with the deponent
located in Sunnyvale, California, commencing at
9:05 a.m., Tuesday, May 10, 2022, remotely reported
via Video & Web Videoconference before
REBECCA L. ROMANO, a Certified Shorthand
Reporter, Certified Court Reporter, Registered
Professional Reporter.

APPEARANCES OF COUNSEL

(All parties appearing via Web Videoconference)

For the Sonos, Inc:

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APPEARANCES(cont'd)

(All parties appearing via Web Videoconference)

ALSO PRESENT:

David West, Videographer

Patrick Weston, Senior Litigation Counsel at

Google

/////

1 The court reporter may swear the witness 09:08:03
2 in and we will continue.

3 THE COURT REPORTER: Mr. MacKay, If you
4 could raise your right hand for me, please.

5 THE DEPONENT: (Complies.) 09:08:07

6 THE COURT REPORTER: You do solemnly
7 state, under penalty of perjury, that the testimony
8 you are about to give in this deposition shall be
9 the truth, the whole truth and nothing but the
10 truth? 09:08:07

11 THE DEPONENT: I do.

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15 09:08:07

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20 09:08:07

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25 09:08:07

4 Q. What is a "speaker group" as Google uses
5 that term? 10:31:33

6 A. I would describe it as a set of devices
7 that appears as a castable -- as a Cast target.
8 And when casted to, they all play together --

9 [REDACTED]
10 A. -- specifically -- specifically audio. 10:32:03
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 What do you mean by "appears as a Cast
17 target"?

18 A. So what I mean is that you can cast to
19 the group. So in -- if you're in a sender app, for
20 example, and you hit the Cast button, then the 10:32:36
21 group would show up as -- as a potential Cast
22 option.

23 [REDACTED]
[REDACTED]
[REDACTED] 10:33:06

11:53:25

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[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

Q. Would it be fair to say that at that time
where a group has been created but not yet
launched, that the group exists in an unlaunched
state?

12:24:30

A. Yes.

[REDACTED] [REDACTED]

Q. (By Mr. Shea) And -- and is another way
to think about that, that at the -- in the time
between when the group is created and when it is
launched, that the speaker group would be inactive?

12:24:44

[REDACTED] [REDACTED].

THE DEPONENT: Yes, I think so.

12:25:06

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] but just to clarify, you
agree that a speaker group is something that is
saved by a user in advance of being launched?

A. Well, again, the -- the group might never
be launched. Like you might never cast to the
group. So it's -- I would characterize it as -- a
static group is something that the user configures
and it's saved persistently.

12:25:31

Q. [REDACTED] [REDACTED] and saved prior to any

12:25:48

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

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[REDACTED]

[REDACTED]

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Let me start by asking, is there a

04:47:58

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1 specific team or group at Google that's tasked with 04:48:03
2 performing testing of physical products to -- to
3 evaluate functionality on those products?

4 A. I don't think -- I would say -- I
5 wouldn't say that there's a Google-wide team. But 04:48:22
6 the Nest organization or -- we do have a manual QA
7 team for at least some Nest devices.

8 Q. Would that manual -- is one of the things
9 that that manual QA team does is test the speaker
10 group functionality of those Nest devices? 04:48:45

11 [REDACTED] [REDACTED] [REDACTED]

12 THE DEPONENT: Yes.

13 [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

04:49:40

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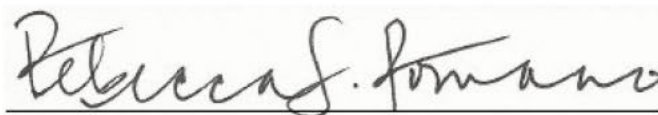
1 I, Rebecca L. Romano, a Registered
2 Professional Reporter, Certified Shorthand
3 Reporter, Certified Court Reporter, do hereby
4 certify:

5 That the foregoing proceedings were taken
6 before me remotely at the time and place herein set
7 forth; that any deponents in the foregoing
8 proceedings, prior to testifying, were administered
9 an oath; that a record of the proceedings was made
10 by me using machine shorthand which was thereafter
11 transcribed under my direction; that the foregoing
12 transcript is true record of the testimony given.

13 Further, that if the foregoing pertains to the
14 original transcript of a deposition in a Federal
15 Case, before completion of the proceedings, review
16 of the transcript [X] was [] was not requested.

17 I further certify I am neither financially
18 interested in the action nor a relative or employee
19 of any attorney or any party to this action.

20 IN WITNESS WHEREOF, I have this date
21 subscribed my name this 13th day of May, 2022.

22
23 

24 Rebecca L. Romano, RPR, CCR
25 CSR. No 12546

ERRATA SHEET

Case Names: *Google LLC v. Sonos, Inc.*
Case No. 3:20-cv-06754-WHA

Sonos, Inc. v. Google LLC
Case No. 3:21-cv-07559-WHA

Deposition Date: May 10, 2022

Deponent: Kenneth MacKay (30(b)(6))

I, Kenneth MacKay, do hereby certify that I read the foregoing transcript of my testimony taken on May 10, 2022, and further certify that it is a true and accurate record of my testimony, with the exception of the corrections listed below:

Page	Line	Now Reads	Should Read	Reason
30(b)(6)				
26	12	Numerate	Numerette	Transcription error
27	13	Numerate	Numerette	Transcription error
32	12	application manager ample	application_manager_impl	Transcription error
34	24	ruled	rolled	Transcription error
45	15	Corelan	Korlan	Transcription error
85	6	Joint	Join	Transcription error
122	13	Joint	Join	Transcription error
236	3	Receiver_name space handler.cc	receiver_namespace_handler.cc	Transcription error
30(b)(1)				
261	15	Tabus	Tavis	Transcription error
261	15	YoungJin	Byungchul	Transcription error

Dated: 2022-Jun-28

By: /s/ Kenneth MacKay
Kenneth MacKay